

February 27, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | Item | Page | -2002 | (Comm. 3E-27) |
|----|--|------|-------|---------------|
| a. | COUNTY EXECUTIVE: OPEN ITEM: Erie County Energy.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 4E-25) |
| b. | COUNTY EXECUTIVE: ECSD No. 6 – Sludge Filter Press Contract – Change Order No. 1.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 4E-26) |
| c. | COUNTY EXECUTIVE: ECSD Nos. 2, 4 & 6 – Pumping Station Structural/Cathodic
Protection Rehabilitation.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 4E-29) |
| d. | COUNTY EXECUTIVE: EC Sewer Construction Projects Annual Change Order Report.
(5-0) | | | |

AS AMENDED

2. Item Page -2002 (Intro. 22-8)
DALE, DUSZA, LARSON, CUSACK, RANZENHOFER & FISHER

WHEREAS, the County of Erie Department of Environment and Planning Division of Sewerage Management is proposing capital improvement projects within its Sewer District No. 1, commonly known as the Hyland Avenue Interceptor Sewer, Losson Subtrunk Sewer and Union Road Pumping Station and Forcemain, and

WHEREAS, the County has solicited the Town of Cheektowaga for Lead Agency Status pursuant to provisions of part 617 of the New York State Environmental Conservation Law – State Environmental Quality Review, and

WHEREAS, the County's project will require the conveyance of easements from the Town of Cheektowaga to the County of Erie for the installation of sewer infrastructure on Town lands within Kelly Park and within a Town drainage corridor near Groell Avenue, Rushford Lane and Hillpine Road, and

WHEREAS, the County of Erie has agreed to make certain drainage improvements within Kelly Park as part of their capital project which will benefit the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga Environmental Advisory Committee, the Town of Cheektowaga Conservation Advisory Council, and the Cheektowaga Town Historian has reviewed the

County's proposed projects and have expressed concerns for the potential disturbance of natural and cultural resources, and

WHEREAS, the County of Erie has performed cultural resource surveys and tree surveys and has made revisions to their plans to minimize tree disturbances, and

WHEREAS, the County has agreed to provide tree replacements within Town-owned lands, and on privately-owned lands required to be removed as part of said project, and

WHEREAS, the Town of Cheektowaga has indicated that it will approve all necessary easement documents for conveyance to the County of Erie with the acknowledgement that the County of Erie provide for (63) sixty-three replacement trees in the Losson Subtrunk contract instead of (57) fifty-seven trees, and

WHEREAS, the Town of Cheektowaga has also requested that the County of Erie consider providing for replacement trees within the County-owned Overflow Retention Facility (ORF) lands leased to the Town, for those trees being displaced by the Union Road Pumping Station and Forcemain project, and

WHEREAS, the Town of Cheektowaga has further requested that the County of Erie's contract specifications for the aforesaid projects include provisions to ensure compliance with all rules and regulations mandated by the New York State Department of Environmental Conservation for stream bank disturbances and stream crossings, as well as provisions for protection of trees; and that an action plan be provided should archeological resources be unearthed inasmuch as the ORF site has been determined to contain significant Native American archeological materials, and such may be present elsewhere along the paths of the respective projects,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the Erie County Department of Environment and Planning Division of Sewerage Management to include in its Losson Subtrunk contract an acknowledgement that (63) sixty-three replacement trees are warranted in capital improvement projects concerning Sewer District No. 1, commonly known as the Hyland Avenue Interceptor Sewer, Losson Subtrunk Sewer and Union Road Pumping Station and Forcemain, and be it further

RESOLVED, that the Erie County Legislature does hereby direct the Erie County Department of Environment and Planning, Division of Sewerage Management include within its contract for the Union Road Pumping Station and Forcemain Project connecting to the sanitary Sewer District No. 1 ORF through lands leased by the Town of Cheektowaga from the County of Erie, provision for replacement of trees removed by planting five (5) additional trees of good species elsewhere in the property leased by the Town of Cheektowaga, and be it further

RESOLVED, that this Honorable Body does further direct the Erie County Department of Environment and Planning Division of Sewerage Management to include in any contract for work on said project specific plans for protecting archeological resources which, if disturbed or unearthed, shall

be conserved and investigated by a professional archeologist, and acknowledgement that agents of the Cheektowaga Conservation Advisory Council and/or the Cheektowaga Town Historian be allowed full access to inspect any such artifacts and items associated with Native American burials or other significant finds determined to be located within the aforementioned projects and sites, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the County Executive, the Commissioner of the Department of Environment and Planning, the Deputy Commissioner of the Department of Environment and Planning for Sewerage Management, the Supervisor of the Town of Cheektowaga and to all Cheektowaga Town Board members.

FISCAL IMPACT: To be Determined.
(5-0)

3. Item Page -2003 (Comm. 4E-16)

COUNTY EXECUTIVE

WHEREAS, Erie County is an Affiliate Data Center of the New York State Data Center, having an Agreement authorized by the Erie County Legislature and executed by the County Executive for the period January 1, 2000 to December 31, 2002; and

WHEREAS, Affiliate Data Center Agreements are amended every two years for a new two-year term; and

WHEREAS, Erie County needs to amend the existing Agreement to cover the current two-year period ending on December 31, 2004,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended Agreement with New York State for continuation of the County's status as an Affiliate Data Center through December 31, 2004; and be it further

RESOLVED, that said Agreement shall have no funds associated with it; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.
(5-0)

4. Item Page -2003 (Comm. 4E-18)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to the Northeast and Southtowns Communities (N.E.S.T.) and the other solid waste management planning units in Erie County; and

WHEREAS, the Erie County DEP is committed to coordinate, oversee, and support the development of the N.E.ST. Solid Waste Management Plan; and

WHEREAS, the DEP has identified sufficient resources for the completion of this initiative;
and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the DEP provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, a resolution passed on December 12, 2002 (Comm. 25E-13) authorized the existing budget for this program; and

WHEREAS, the addition of this solid waste recycling initiative necessitates staffing changes within the Erie County DEP.

NOW, THEREFORE BE IT

RESOLVED, that the following position is hereby created in the DEP grant fund, and this position will be funded from the budget of the Solid Waste Reduction Grant Project (SFG #394):

Assistant Coordinator – Solid Waste Recycling Project (RFT, JG-9)

and be it further

RESOLVED that the following position is hereby deleted in the Department of Environment and Planning (SFG Project #394):

Solid Waste Recycling Specialist (RPT, JG12)

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

5. Item Page -2003 (Comm. 4E-24)

COUNTY EXECUTIVE

WHEREAS, consolidation of Sewer Services between the Village of Blasdell and Erie County Southtowns Sewage Treatment Agency and Erie County Sewer District No. 3 requires infrastructure modifications and additions;

WHEREAS, Professional Engineering Services are required for these modifications and additions and;

WHEREAS, the Department of Environment and Planning, in conformance with Local Law No. 6, has recommended the firm of URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202 be retained at cost not to exceed \$925,117.88;

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of URS Corporation, be retained at a cost not to exceed \$925,117.88; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202-1805, to provide the needed engineering services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$925,117.88 for payment of the agreement from the Erie County Sewer District Capital Account 430-374; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one copy to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller.

(5-0)

6. Item Page -2003 (Comm. 4E-32)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [C], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Rath Building and Court facilities to CMS Viron, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures were found during the preliminary energy audit and a construction program was proposed, and

WHEREAS, the cost of the construction to implement the Energy Conservation Measures is estimated at approximately \$1,800,000 with energy savings estimated at an average of almost \$125,000 per year over the fifteen-year program and other associated savings and incentives totaling nearly \$30,000 per year over the program period, and

WHEREAS, the Commissioner of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, CMS Viron, to perform the Energy Conservation Measures Program derived from their preliminary energy audit work to be taken from Fund 410 – 379, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Commissioner of Public Works, the Director of Budget Management and Finance and the Office of the Comptroller.
(5-0)

DALE W. LARSON
CHAIRMAN